MEMORANDUM MINUTES OF THE
PROCEEDINGS OF THE COMMISSION OF FINE ARTS
WASHINGTON, D.C.
14 June 1960

The Commission met, pursuant to notice, at 2:00 PM, with David E. Finley, Chairman, presiding.

Present were: David E. Finley, Chairman
Ralph Walker
Douglas W. Orr
Peter Hurd
William G. Perry
L.R. Wilson, Secretary
Susan E. Bennett, Admin. Asst.
Gilbert E. Halasz, Stenotypist

I. ADMINISTRATION

1. Minutes of Meeting on May 16 and 17

The minutes of the May meeting were distributed to the members of the Commission.

2. Date of Next Meeting

The date of the next meeting of the Commission was tentatively scheduled for 21 September, with the executive session on 20 September; and with the understanding that, if an urgent need should arise, a meeting would be arranged prior to that time. Action on the Shipstead-Luce and Georgetown applications, as well as other matters, were to be accomplished by mail.

II. SUBMISSIONS

1. General Services Administration
Public Buildings Service
a. National Bureau of Standards, Preliminary Site and Building Mass

The members of the Commission inspected a model of the proposed new quarters for the National Bureau of Standards, to be constructed on a 550 acre site near Gaithersburg in Montgomery County, Maryland. The members reserved discussion of the model and site until the following day when they were scheduled to meet with representatives of Public Buildings Service and the National Bureau of Standards, who had requested the Public Buildings Service to submit the plans to the Commission of Fine Arts, although the site lies beyond the District of Columbia Line. The presentation in model form was commended.

b. State Department Sculptural Groups - South Entrance

The members of the Commission reviewed the design of the sculptural groups, showing large eagles, sheltering human figures, which had been proposed for the main entrance of the new State Department Building on C Street. They were unanimous in disapproving the sculpture, feeling that the design was not sculpturally conceived, being too literary and neither inspirational in character nor sufficiently related to the work of the State Department.

The members felt that unless outstanding works of sculpture could be secured for this important location, consideration should be given to the use of fountains or to planting large boxwoods or other growing material.

The Secretary was directed to prepare a letter for the Chairman's signature to Honorable Karl E. Wallace, Commissioner, Public Buildings Service, General Services Administration, this letter being made a part of the permanent record of the proceedings. (Note: The plaster models were taken away on July 12 for storage in the State Department) EXHIBIT 1

2. District of Columbia Government

a. Department of Sanitary Engineering
Sewage Pumping Station

The members of the Commission studied the revised drawings of the proposed sewage pumping station at the east end of the Theodore Roosevelt Bridge. They considered the new design submitted improvement in the wall treatment over that previously, but felt that it still required some study of the relation of the openings.

Representatives of the District of Columbia Government were scheduled to attend the meeting on the following day and further discussion was withheld until that time.

b. Department of Highways and Traffic
Lighting Standards, Theodore Roosevelt Bridge

The members studied drawings that had been submitted for the revised designs for lighting standards proposed for use on the new Theodore Roosevelt Bridge. They noted that the new design was very similar to the highway type standard that had been submitted previously and that it did not follow the Commission's recommendation for a low light standard, simple in design and in scale with the pedestrian walk on the bridge.

The members felt that they could not approve the design as submitted, however final action was deferred until the following day when discussion was scheduled with representatives of the D.C. Department of Highways & Traffic.

3. Boy Scouts of America
Site for Memorial

The Chairman read a letter from Mr. Ellsworth Augustus, President of the Boy Scouts of America, in which he requested the assistance of the Commission of Fine Arts in selection of a site for the Boy Scout Memorial to be erected in Washington as authorized by Public Law 86-111, 86th Congress. In his letter, Mr. Augustus stated that he had conferred with Mr. Conrad Wirth, Director of the National Park Service, and that it was desired, if possible, to erect the memorial directly north of the Washington Monument in the Park Area bounded by Constitution Avenue on the south, the Ellipse Road on the east and north, and by 16th Street on the west.

The members of the Commission agreed that this would not be the most suitable location for the Boy Scout Memorial, as they had previously taken the position that no further structures or monuments should be erected between Fifteenth and Seventeenth Street,N.W. on the Washington Monument Grounds, or on the parks surrounding the Ellipse. They suggested instead, a location on the north side of the Central Mall, in the strip of trees between Madison Drive and Washington Drive, opposite the west end of the Museum of History and Technology, now under construction. It was noted that this location would give access directly to the central mall and the grounds of the Washington Monument, and allow adequate space for outdoor assemblieswhich might beheld during the meetings of the Boy Scouts in Washington. A sketch drawing preparedin the Office of National Capital Planning Commission by Mr. Ellis Price was used in making this recommendation.

The Secretary was directed to prepare a letter for the Chairman's signature, to Mr. Augustus, informing him of the Commission's suggestions in this matter; such letter to be made a part of the permanent record of theproceedings. EXHIBIT 2 & 2A

4. American Battle Monuments Commission
Okinawa Memorial

The members studied the revised designs by the architect, Alfred Poor, for the proposed United States Memorial on Okinawa. The proposed monument consisted of two wing-like reinforced concrete pylons rising from a square bastion with flattened sides, fixed in natural travertine, and suggestions previously made by the Commission regarding the wings of the pylon had been considered in the revised study.

Action on the project was withheld until the meeting on the following day when the architect's representative was scheduled to be present.

5. National Science Foundation
National Medal of Science

The members viewed designs by the sculptor, Mr. Donald de Lue,

for the proposed National Science Foundation Medal. The design of the medal symbolized science as a whole and represented basic scientific endeavor, as distinct from technology. The medal depicted Man surrounded by earth, sea and sky, contemplating and seeking to understand nature. The sketch showed a man crouching. In one hand he held a crystal to symbolize the universal order of things; and with his other hand he sketched an equation on the sand to symbolize scientific abstraction.

The members considered the obverse of the medal showing the man to be promising, but felt that the reverse, especially the arrangement of the letters, needed more study. A meeting was scheduled for the following day with Doctor Richard H. Bolt of the National Science Foundation and further discussion was withheld until that time.

6. United States Senate Committee on Aeronautical and Space Sciences
Design of Robert H. Goddard Medal

The Secretary showed the members photographs of the design which had been chosen for the medal in recognition of the achievements of the late Doctor Richard H. Goddard in the field of rockets. The sketches had been previously reviewed by the Chairman and Mr. de Weldon, sculptor member of the Commission, and had been approved by the United States Senate Committee on Aeronautical and Space Sciences. The obverse of the medal bore a profile likeness of Professor Goddard, while the reverse showed in low relief a model of his first rocket. The members agreed that the design chosen promised to make a handsome medal. The Secretary stated that there were indications that the Commission would not be shown the final design, due to the time schedule at the Mint where the medal was being manufactured.

7. National Park Service
Headquarters Building, National Capital Parks - Site

The Chairman informed the members that he was scheduled to meet that afternoon with Mr. Conrad Wirth, Director of the National Park Service, to discuss recently announced plans of the National Capital Parks to erect a new headquarters building on park land south of Independence Avenue, between Fifteenth Street and East Basin Drive, S.W. near the Tidal Basin.

The members felt strongly that the park land should not be utilized for office buildings which could be located elsewhere and hoped that Mr. Wirth and Mr. Harry Thompson, Superintendent of National Capital Parks, would attend the meeting on the following day to discuss the matter with the Commission. Action to oppose these plans was therefore postponed to hear the results of the Chairman's conference with Mr. Wirth.

III. DISCUSSIONS

1. Supplemental Appropriation for Fiscal Year 1961

The Secretary informed the members that the House Committee on Appropriations had received the Commission's request for a supplemental appropriation of $26,700 for FY 1961 favorably, inasmuch as legal authorization now exists to appropriate this sum which was deleted from the regular budget request earlier. The date of the Senate hearings was not known as yet.

2. Bureau of Ships - Twentieth Anniversary Exhibition

The Secretary read to the members a letter from the Bureau of Ships, inviting the members of the Commission of Fine Arts to attend an exhibition in the Navy Building, celebrating the twentieth anniversary of the Bureau of Yards and Docks.

3. District of Columbia Armory Board - Letter of the Chairman of the Commission of Fine Arts in Architectural Forum.

The Secretary informed the members that a letter from the Chairman had appeared in the June issue of Architectural Forum, stating that the Commission had never approved the site or the design of the proposed District of Columbia Stadium. The letter was written after an article appeared in the May issue of the Architectural Forum which gave the impression that the Commission had approved the stadium.

4. "Tempos" - Architectural Forum

The Secretary called attention to another item in the Architectural Forum, which showed the vista between the Washington Monument and the Lincoln Memorial blocked by temporary buildings.

It was suggested that the Chairman be prepared to write to the House and Senate Public Works Committees of the 87th Congress, urging those Committees to support a plan for removing all remaining temporary buildingsfrom the city at the earliest possible date.

5. Freedom Shrine Publicity

The members discussed wide publicity and criticism recently given to plans for a proposed Freedom Shrine for which new legislation had been introduced in Congress (S. 3611/86th Congress). It was recalled that the site of the Shrine on the Nevius Tract adjoining the Arlington National Cemetery and overlooking the Potomac near the Netherlands Carillon and the Iwo Jima Memorial, was authorized without consulting the Commission.

The structure itself was now to be a large, open court, approximately 327 feet long, 204 feet wide and 68 feet high. The proposed monument was designed by the architect Eric Gugler, and the general plan for the sculpture by Paul Manship.

It was further recalled that after a meeting in August 1959, the Commission had approved the design of the Freedom Shrine. At that time the cost of $24,000,000 was to be met by public subscription, but the introduction of legislation to authorize $12,000,000 of Federal funds for the project resulted in the recent unfavorable notice in the press. It appeared that the Shrine would not be constructed in the near future, so no further action was considered advisable.

6. Zoning Regulations, District of Columbia

Mr. Waldron Faulkner, a member of the Shipstead-Luce Panel of Architects, appeared at his request before the Commission, as Chairman of a committee from the local chapter of the American Institute of Architects opposing proposed zoning changes affecting design of penthouses. Mr. Faulkner read to the members the draft of a letter from the Washington-Metropolitan Chapter of the AIA to the Zoning Commission, which expressed the concern of the chapter at the proposed amendments to the District of Columbia Zoning Regulations.

Mr. Faulkner explained that, under a new rule adopted by the Zoning Commission, all new equipment placed on building rooftops would have to be encased in a penthouse made of material resembling the facing of the building itself. Mr. Faulkner stated that he and many of his colleagues were of the opinion that the new regulations were too restrictive and would impose hardships upon both the owners and architects. The members of the Commission were glad to have the views of Mr. Faulkner's committee, but they felt that some sort of restrictions were necessary in order to prevent continuation of the current unsightliness of the Washington skyline by disordered roof structures. They decided they could not change their views or withdraw the support they had given to the District of Columbia government on this matter.

IV. SHIPSTEAD-LUCE ACT

1. Report of Actions Taken on Shipstead-Luce Applications Since 17 May 1960 (Report dated 14 June 1960 - Appendix 1)

The Secretary reported the actions taken, after recommendations of the Shipstead-Luce Panel of Architects, on the Shipstead-Luce Building Applications forwarded for review by the District of Columbia Department of Licenses and Inspections since 17 May 1960. This report was dated 14 June 1960 and comprised Appendix 1 of the Order of Business. After noting the individual cases, the favorable actions as shown on Appendix 1 were confirmed by the members. Conformation of unfavorable action and recommendations for changes were given in each instance on the following

cases which had been disapproved by the Shipstead-Luce Panel and held for review by the Commission:

SL 2285	125 Independence Avenue, S.E. Roarlias Photographers
SL 2288	2260 Cathedral Avenue, N.W.
SL 2289	Area Bounded by 15th Street and Pennsylvania Avenue, N.W. Washington Board of Trade
SL 2290	941-43 Pennsylvania Avenue, N.W. Penn Camera Exchange
SL 2291	500 North Capital Street, N.W. Hotel Pierre L'Enfant
SL 2293	511-14th Street, N.W. Bassins Restaurant
SL 2295	511-14th Street, N.W. Bassins Restaurant
SL 2295	1735 Tamarack Street, N.W. EXHIBIT 3

2. Preliminary Submission: Informal Revision of SL 2277 (Disapproved 17 May 1960) Army Distaff Hall at 6200 Nebraska Avenue, N.W.

The members studied the revised plans for the proposed Army Distaff Hall at 6200 Nebraska Avenue, N.W. They felt that the designs still lacked refinement and character; and suggested that the architect be invited to discuss the design at the meeting on the following day in order that they might explore the problem with him in person. Further discussion was withheld until that time.

3. Letter from Chief, Permit Branch, District of Columbia Government, Requesting Commission of Fine Arts Reconsideration of SL 2281 for Sign for Delta Airlines on Hotel Washington (Disapproved 17 May 1960)

The Secretary read a letter from Mr. Julian P. Green, Chief of the Permit Branch, District of Columbia Department of Licenses and Inspections, requesting reconsideration of the Commission's disapproval of a sign for the Delta Airlines to be placed over the F Street entrance to the Hotel Washington.

The members noted the letter and accompanying correspondence from the Delta Airlines and the Jack Stone Sign Company. They were still of the opinion, however, that the proposed sign would violate the standards for signs in the Shipstead-Luce Area. Under the circumstances, the use of space within one of the window openings was recommended as the most feasible place for a sign.

The Secretary was directed to prepare a letter for the Chairman's signature to Mr. Green, informing him of the Commission's views in the matter, such letter being made a part of the permanent record of the proceedings. EXHIBIT 4

V. OLD GEORGETOWN ACT

✓ Report of Actions Taken on Old Georgetown Applications Since 17 May 1960 (Report dated 14 June 1960 - Appendix 2)

The Secretary reported the actions taken, after recommendations of the Georgetown Panel of Architects, on the Old Georgetown Act Applications forwarded for review by the District of Columbia Department of Licenses and Inspections since 17 May 1960. This report was dated 14 June 1960 and comprised Appendix 2 of the Order of Business. After noting the individual cases, the favorable actions as shown on Appendix 2 were confirmed by the members. Confirmation of unfavorable action and recommendations for changes were given in each instance on the following cases which had been disapproved by the Georgetown Panel and held for review by the Commission.

OG 2593 3011 M Street
Harolds Delicatessen
OG 2599 1353 Wisconsin Avenue, N.W.
Mascot Restaurant EXHIBIT 5

VI. LEGISLATION

1. S. 3128 - Mr. Murray - 1 March 1960 - To designate as national historic sites Lafayette Square and certain buildings in the vicinity thereof, in the city of Washington, District of Columbia, and for other purposes.

Inasmuch as reports had already been filed on similar bills, S. 3279, S. 3280 and S. 3403, the members considered the same views expressed in them would apply. It appeared unnecessary to reiterate the same views and the Secretary was asked to determine the necessity.
EXHIBIT 6

2. H.J. Res. 402 - 3 June 1960 - Granting the consent and approval of Congress for the States of Virginia and Maryland and the District of Columbia to enter into a compact related to the regulation of mass transit in the Washington, District of Columbia Metropolitan area and for other purposes.

The members reviewed this legislation and expressed the hope that it would become law, thus making possible a test of rapid transit and slowing the construction of new highways in the area. No report had as yet been requested from the Commission, therefore no formal action was taken on this legislation. EXHIBIT 7

3. S. 3648 - Mr. Bible - 8 June 1960 - A bill to authorize the Commissioners of the District of Columbia on behalf of the United States

to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District.

The members reviewed this legislation which would permit the District to transfer fourteen acres of Maine Avenue waterfront land to the Redevelopment Land Agency. The Secretary submitted that this land faced Washington Channel and was an important feature in the appearance of the city, but no report had been requested from the Commission, therefore no formal action was taken on this legislation. EXHIBIT 8

L. R. Wilson
Secretary

Aug 1962

MEETING OF THE COMMISSION OF FINE ARTS
June 14, 1960
2:00 PM
ORDER OF BUSINESS

1. CONVENE, ROOM 7000, INTERIOR DEPARTMENT BUILDING

2. ADMINISTRATION

   a. Approval of Minutes of May Meeting

   b. Date of Next Meeting: 21 September 1960

      Executive Session: 20 September 1960

   c. Planning Commission - Meeting -- Year 2000

3. SUBMISSIONS

   a. General Services Administration
      Public Buildings Service

      Zoning for Control of roof structures Mr Faulkner

      (1) National Bureau of Standards, Preliminary Site and Building Mass

      (2) State Department Sculptural Groups - South Entrance

   b. District of Columbia Government

      (1) Department of Sanitary Engineering

          Sewage Pumping Station

      (2) Department of Highways and Traffic

          Lighting Standards, Theodore Roosevelt Bridge

   c. Boy Scouts of America

      Site for Memorial

   d. American Battle Monuments Commission

      Okinawa Memorial

   e. National Science Foundation

      National Medal of Science

f. U.S. Senate Committee on Aeronautical and Space Sciences

Design of Robert H. Goddard Medal

g. National Park Service

Headquarters Building, National Capital Parks - Site

4. DISCUSSIONS

a. Supplemental Appropriation for Fiscal Year 1961

b. Bureau of Ships - Twentieth Anniversary Exhibition

c. District of Columbia Armory Board - Commission of Fine Arts Letter in Architectural Forum

d. "Tempos" - Architectural Forum

e. Freedom Shrine Publicity

5. SHIPSTEAD-LUCE ACT

a. Report of Actions taken on Shipstead-Luce Applications Since 17 May 1960 (Report dated 14 June 1960 - Appendix 1)

b. Preliminary Submission: Informal Revision to SL 2277 - Army Distaff Hall at 6200 Nebraska Avenue, N.W.

c. Letter from Chief, Permit Branch, District of Columbia Government, Requesting Commission of Fine Arts Reconsideration of SL 2281 for Sign for Delta Airlines on Washington Hotel

d. Expiration of terms of members of Shipstead-Luce Panel: Mr. Faulkner and Mr. Gauger, 1 July 1960; Mr. Satterlee, 4 September 1960

6. OLD GEORGETOWN ACT

Report of Actions taken on Old Georgetown Applications Since 17 May 1960 (Report dated 14 June 1960 - Appendix 2)

7. LEGISLATION

a. S. 3128 - Mr. Murray - 1 March 1960 - To designate as national historic sites Lafayette Square and certain buildings in the vicinity thereof, in the city of Washington, District of Columbia, and for other purposes. (Report requested)

b. H.J.Res. 402 - 3 June 1960 - Granting the consent and approval of Congress for the States of Virginia and Maryland and the District of Columbia to enter into a compact related to the regulation of mass transit in the Washington, District of Columbia metropolitan area, and for other purposes.

c. S. 3648 - Mr. Bible - 8 June 1960 - A bill to authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District.

16 June 1960

Dear Mr. Wallace:

The Commission of Fine Arts, at its meeting on Wednesday, June 15, reviewed the design of the sculpture with eagles and human figures proposed for the main entrance of the Department of State on C Street. The Commission unanimously disapproved the design as shown in the cast. They feel the design is not well conceived, being too literary and neither inspirational in character nor sufficiently related to the work of the Department of State.

The members feel that, unless outstanding pieces of sculpture can be secured for this important location, consideration should be given to fountains or planting of large bronze or other growing material, as is done in the case of many other public buildings.

For the Commission of Fine Arts:

Sincerely yours,

David E. Finley
Chairman

Honorable Karl Wallace
Commissioner
Public Buildings Service
General Services Administration
Washington 25, D. C.

EXHIBIT 1

15 June 1960

Dear Mr. Augustus:

I have your letter of June 3, 1960, which was read to the members of the Commission of Fine Arts during their meeting today, when they considered the question of securing the best location for the Boy Scout Memorial to be erected in Washington, as authorized by Public Law 86-111, 86th Congress.

They understood from your letter that you had conferred with Mr. Conrad Wirth, Director of the National Park Service, and that it was your desire, if possible, to erect the proposed memorial directly north of the Washington Monument in the park area bounded by Constitution Avenue on the south, the Ellipse Road on the east and north, and by Fifteenth Street on the west.

The Commission of Fine Arts has previously taken the position that no further structures or monuments should be erected between Fifteenth and Seventeenth Street, northeast, on the Washington Monument Grounds, or on the parks surrounding the Ellipse.

The Commission believes the Boy Scout Memorial would have a better location on the north side of the Central Mall, in the strip of trees between Madison Drive and Washington Drive, opposite the east end of the Museum of History and Technology, which is now being erected. This location would give access directly to the Central Mall and to the grounds of the Washington Monument, and allow adequate space for outdoor assemblies which might be held during the meetings of the Boy Scouts in Washington. The members of the Commission recommend this site as the most desirable setting for this memorial and hope that you will agree with this solution.

For the Commission of Fine Arts:

Sincerely yours,

David E. Finley
Chairman

Mr. Ellsworth H. Augustus
President
Boy Scouts of America
New Brunswick, New Jersey

EXHIBIT 2

EXHIBIT 5

Resolution Adopted by the Commission of Fine Arts
14 June 1960

WHEREAS, The Boy Scouts of America, Inc., has requested, and the National Park Service and National Capital Parks, Department of the Interior has recommended the placement of a memorial to the Boy Scouts of America on a site, north of Constitution Avenue, east of Sixteenth Street and west of Fifteenth Street, on the axis of the Washington Monument; now

THEREFORE, BE IT RESOLVED, That neither the proposed Boy Scout Memorial, nor any other structure or memorial should be placed within the important park area which constitutes the Washington Monument Grounds and the President's Park, south of the White House and north of Constitution Avenue, northwest, and between Fifteenth and Seventeenth Streets, northwest; and

BE IT FURTHER RESOLVED, That the Boy Scouts Memorial be located at a site at the north side of the Mall, east of Fourteenth Street, northwest, in the tree strip between Washington and Jefferson Drives, adjacent to the west end of the Museum of History and Technology now under construction there, provided the memorial is designed in suitable size and scale for these surroundings; and

BE IT FURTHER RESOLVED, That, if a large monument is desired, a site commensurate with the size and important of the design for the memorial shall be selected by the Commission of Fine Arts in cooperation with the National Capital Planning Commission and the Department of the Interior.

EXHIBIT 2A

REPORT OF ACTIONS TAKEN ON SHIPSTEAD-LUCE ACT APPLICATIONS SINCE 5/17/60 (Continued) 6/14/60

NO	ADDRESS AND OWNER	PROJECT	ACTION
2295	511-14th St., NW Bassins Restaurant	1 s-f, 20 sq-ft sign. Non-illuminated, aluminum border, blue plastic ltrs., erected flat against wall. Temporary until 1/9/60.	Ret'd. Action deferred pending determination of applicability of Shipstead-Luce Act, 6/14/60
2296	1735 Tamarack St., NW Mr & Mrs H. Bennett	1-story masonry & frame residence; construct driveway.	Disap'd. Suggest restudy of facade treatment to create a more residential character by possibly raising ceiling height, eliminating turned up roof over carport, & finding a better relationship of openings & walls, 6/14/60
2297	2106-08 E St., NW Boulevard Liquors	Repaint 2 exist. signs: 1 on Va. Ave. side & 1 on E St. side of bldg. Signs are 23 sq-ft each, s-f, illuminated.	Ret'd. It appears that repainting has already been done, & comment, therefore, by the CFA, would serve no purpose, 6/14/60

Exhibit 3

NO	ADDRESS AND OWNER	PROJECT	ACTION
2288	2260 Cath. Ave., NW Ralph D. Kaiser	Remove front porch & roof; install iron rail. on remaining porch fl; install new entr. door & trim; connect two 3rd-fl. dormers with picture window; add patio in rear & relocate 3rd fl. window.	App'd., provided 4 vertical muntins are used in new center dormer window instead of 3 vertical muntins as shown on drawing, 6/14/60
2289	Area bounded by 15th St., & Penna. Ave., NW Wash. Board of Trade	Display of "1960 Summer Jubilee" flags on bldgs. from June 15, 1960 through Labor Day, 1960.	Disap'd., for Shipstead-Luce Area. See attached letter dated 6/14/60, 6/14/60
2290	941-43 Penna. Ave., NW Penn Camera Exchange, Inc.	Combine 941 & 943 Pa. Ave., into 1 store & make interior & exterior alterations.	Disap'd. Suggest the design be re-studied, withdrawing all proposed work behind the bldg. line, & using masonry throughout, 6/14/60
2291	500 No. Cap. St., NW Hotel Pierre L'Enfant	Replace exist. sign with 1 s-f, 60 sq-ft sign; stainless steel with white neon tubing.	App'd., provided same type of back-lighted ltrs. are mounted on top of box containing electrical connections & that top of ltrs. will not project above parapet. New sketch requested. (NOTE: Departure from standard requirements regarding size will be made in this case if sign is coordinated satisfactorily into arch'ure. of bldg), 6/14/60
2292	1401 Pa. Ave., NW Willard Hotel	New aluminum panels, & glass in 3 exist. window openings on 14th St. side. No change in size.	App'd., 6/9/60
2293	511-14th St., NW Bassins Restaurant	Alterations to bldg. front at 511-14th St., NW; 28'-8"-wide showwindow to extend 3' beyond bldg. line.	Ret'd. for determination as to whether proposed work falls properly under the S-L Act. Designs for projecting showwindows as indicated on drawings cannot be app'd. by the CFA. Application for adjoining projecting showwindows & sign were not referred to the CFA, 6/14/60
2294	5820 Oregon Ave., NW Col & Mrs M. Matheus	2-story brick & frame residence	App'd., provided central mullion in 2nd fl. window on front elevation be omitted, 6/9/60

REPORT OF ACTIONS TAKEN ON SHIPSTEAD-LUCE ACT APPLICATIONS SINCE 5/17/60 6/14/60

NO	ADDRESS AND OWNER	PROJECT	ACTION
2272	125 Indep. Ave., SE Roarlias Photo'rs.	1 s-f, plastic sign, black ltrs., & white background; illuminated.	This appl. was ret'd. to Chief, Permit Branch, D. C. Gov't., without action, for correct inf. on 4/21/60. The appl. was resubmitted to CFA under SL 2285.
2283	817 Market Sp., NW Old Antique House	Alterations to showwindows.	App'd. provided metal frame around showwindows is anodized to a gray color, & that "zourite" matches it in color, 5/31/60
2284	7775-17th St., NW Marjorie Webster Jr. College	1-story addn. to exist. bldg. for kitchen & dining rm. Stucco.	App'd. Recom. decorative w. i. railings be omitted below arched windows, 2nd fl., front elevation, & end bay, right side elevation, 6/9/60
2285	125 Indep. Ave., SE Roarlias Photo'rs.	Resubmission of SL 2272 for 1 s-f, 10 sq-ft sign. Plastic, black ltrs., white backg'd. Illuminated.	Disap'd; recom. sign with opaque, back-lighted ltrs., using same style of lettering throughout, 6/14/60
2286	301-9th St., NW Hickory House	Reestablish door opening previously closed, & install two 2'-8" X 7' doors, with window over. All within exist. arch.	Ret'd. No obj. to changes which have been started, provided window above new entr. doors is not divided into colonial type panes, but glazed in one piece to fit arched opening, 5/31/60
2287	2230 Cath. Ave., NW Ralph D. Kaiser	Rev. of 2275 to replace porch & steps.	App'd. as changed by arch. on drawings: (1) To treat 2nd fl. center window like flanking windows; (2) To raise height of frame on entr. to height of cornice on 1st fl. bay window, 6/9/60.

APPENDIX 1

16 June 1960

Mr. Julian P. Green
Chief Permit Branch
108 District Building
Washington 4, D. C.

Dear Mr. Green:

I am writing in reply to your letter of 6 June 1960, to Mr. Wilson enclosing letters from the Jack Stone Company, and the Delta Airlines, requesting reconsideration of the Commission of Fine Art's disapproval of a sign, S. L. 2281, at the F Street entrance of the Washington Hotel for the Delta Air Lines.

At their meeting on June 14, the members of the Commission of Fine Arts considered the above-noted letters and reconsidered S. L. 2281. They were still of the opinion that the proposed sign would violate the standards the Commission recommends for signs in the Shipstead-Luce Area. Under the circumstances, the use of space within one of the window openings is recommended as the most feasible place for a sign.

For the Commission of Fine Arts:

Sincerely yours,

David E. Finley
Chairman

REPORT OF ACTIONS TAKEN ON OLD GEORGETOWN ACT APPLICATIONS SINCE 5/17/60 (Continued) 6/14/60

NO	ADDRESS AND OWNER	PROJECT	ACTION
2608	2700 N St., NW Mr & Mrs T.M. Pelley	New outside steel & w. i. stairs & gate to replace exist. wood stairs.	Recom'd. for parts visible from public highway, 6/7/60
2609	1353 Wisc. Ave H. & G. Alafoginis	Rev. to OG 2606 for more inf. re erection of black, white, & gray, canvas awning.	Recom'd., 6/7/60
2610	2903 Q St. Mr & Mrs O. Poponoe	Alterations to front basement windows; 1st fl. rear kitchen window, & 2nd fl. bathrm. window.	Recom'd. for parts visible from public highway, 6/7/60
2611	1248-30th St. Mrs. W.R. Burgess	Alterations & addn. to dwelling & wall.	Recom'd. for parts visible from public highway, 6/7/60
2612	3127 P St. Mrs Ruth Allen	Replace iron steps & rail with new used brick steps with iron rail.	Recom'd. as revised, 6/7/60
2613	3045 P St. M.F. Malarkey	Replace hinged garage doors with overhead garage door.	Recom'd, provided garage door, 4 panels in width, be used, without glass, 6/7/60
2614	3225 Reser. Rd. Irwin Wright	Cut holes through brick wall to install air conditioner units, front & rear.	Recom'd., provided louvers of air conditioning units be painted to match color of surrounding brickwork, & that louver on top fl. be kept within brick panel. (NOTE: 36' dimension on louvers not understood), 6/7/60

Exhibit 5

NO	ADDRESS AND OWNER	PROJECT	ACTION
2601	1219 Potomac St., NW Mrs K. P. Moseley	Interior & exterior alterations & repairs.	Recom'd. for parts visible from public highway, 5/24/60
2602	3157 M St. Riggs Nat'l. Bank	New entr. & attendant's office in north wall of exist. bldg. (Rev. of OG 2571)	Recom'd. for parts visible from public highway, as revised on drawings dtd. 5/3/60, 5/18/60
2603	1671-32nd St. R. Harris	Raze 3-story frame dwelling.	No arch'l. or historical characteristics are discernible in this bldg. that would preclude issuing a permit to raze it, 5/24/60
2604	1694-31st St. Mrs. E. M. Millar	7' wood fence, to replace exist.	Recom'd. for erection of 7' wood fence, 5/24/60
2605	2001 Wisc. Ave. Page Comm. Bldg.	Rev. to change bldg. entrance to restaurant.	Recom'd. for parts visible from public highway, 5/24/60
2606	1353 Wisc. Ave. H. & G. Alafoginis (commercial)	1 black, white, & gray, canvas awning. Hinge type, suspended from bldg. above showwindow.	Ret'd. for inf., showing dimensions, location, & method of attachment of awning; & it relation to proposed sign. No objection to color & pattern of awning material, 5/24/60
2607	1235-33rd St. A.R. & F.D. Middleton	Remove frame addn. at rear of house & replace with steps & rail.	Recom'd. No objection to removal of frame addn. at rear; prefer iron to brick steps, 5/24/60

REPORT OF ACTIONS TAKEN ON OLD GEORGETOWN ACT APPLICATIONS SINCE 5/17/60 — 6/14/60

NO	ADDRESS AND OWNER	PROJECT	ACTION
2592	2906 M St., NW Blair Lighting Fixtures	1 s-f, 15 sq-ft painted sign, wood; brown background, white letter.	Recom'd. as revised, 5/24/60
2593	3011 M St. Harolds Delicatessen	1 V-type, vertical sign, 10½ sq-ft each face; internally illuminated plastic with red letters.	Not recom'd., design not suitable for this Federal period bldg; suggest single-faced painted sign fixed flat against wall below cornice, in position of present sign which is not in harmony with bldg. Recom. colors: green, blue, black, or white, 5/31/60
2596	1316-36th St. Dale Claspell	7' iron gate; install gas lamp above gate to alley entr.	Recom'd. for parts visible from public highway, 5/24/60
2597	1252-31st St. Paula Nixon	Replace double window with double-hung window, 8 over 8 lights.	Recom'd. for parts visible from public highway, 5/24/60
2598	1611 Wisc. Ave. Reed Electric Co.	Replace window with door; brick up exist. doorway. New brickwork to be painted same color as exist. Using Morgan door #M-135 (2'-8" X 6'-8").	Recom'd. for parts visible from public highway, 5/24/60
2599	1353 Wisc. Ave. Mascot Restaurant	1 V-type, horizontal sign. 9 sq-ft each face. White background, black letters. Marine plywood.	Not recom'd; suggest single-faced sign using classical style lettering, to be fixed on bldg. line, below cornice, 5/31/60.
2600	1728 Wisc. Ave. NBS, INC.	1 s-f, 15 sq-ft sign. Marine plywood, white.	Recom'd. for firm identification only--"N B S Inc.", 5/24/60

APPENDIX 2

EXHIBIT 5

86TH CONGRESS
2D SESSION

S. 3128

IN THE SENATE OF THE UNITED STATES

MARCH 1 (legislative day, FEBRUARY 15), 1960

Mr. MURRAY (for himself and Mr. MANSFIELD) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To designate as national historic sites Lafayette Square and certain buildings in the vicinity thereof, in the city of Washington, District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lafayette Square, the buildings known as the Dolly Madison House, located at 1520 H Street Northwest, the Benjamin Taylor House, located at 21 Madison Place Northwest, and the Decatur House, located at the northwest corner of H Street and Jackson Place Northwest, Washington, District of Columbia, are hereby designated national historic sites. Hereafter, so much of the property as may be in Federal ownership shall be administered by the Secretary

EXHIBIT 6

of the Interior, pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended, and in accordance with the purposes of the Act of August 21, 1935 (49 Stat. 666).

SEC. 2. The old Belasco Theater on Lafayette Square shall be transferred to the Department of the Interior, to be administered by the Secretary of the Interior as a municipal art center for the Nation's Capitol. The Secretary of the Interior is authorized and directed to restore the old Belasco Theater to a condition at least equal to its condition at the time it was acquired by the Federal Government. The District of Columbia Recreation Department shall assist the Department of the Interior in the restoration and management of the old Belasco Theater as a municipal art center.

86TH CONGRESS
2D SESSION

S. 3128

A BILL

To designate as national historic sites Lafayette Square and certain buildings in the vicinity thereof, in the city of Washington, District of Columbia, and for other purposes.

By Mr. MURRAY and Mr. MANSFIELD

MARCH 1 (legislative day, FEBRUARY 15), 1960

Read twice and referred to the Committee on Interior and Insular Affairs

86TH CONGRESS
2D SESSION

H. J. RES. 402

IN THE SENATE OF THE UNITED STATES

JUNE 3, 1960

Read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Granting the consent and approval of Congress for the States of Virginia and Maryland and the District of Columbia to enter into a compact related to the regulation of mass transit in the Washington, District of Columbia metropolitan area, and for other purposes.

Whereas the regulation of mass transit service in the metropolitan area of Washington, District of Columbia, is divided among the public utility regulatory agencies of the States of Virginia, Maryland, and the District of Columbia and the Interstate Commerce Commission; and

Whereas such divided regulatory responsibility is not conducive to the development of an adequate system of mass transit for the entire metropolitan area, which is in fact a single integrated, urban community; and

Whereas the Legislatures of Virginia and Maryland and the

EXHIBIT 7

Board of Commissioners of the District of Columbia in 1954 created a Joint Commission to study, among other things, whether joint action by Maryland, Virginia, and the District of Columbia is necessary or desirable in connection with the regulation of passenger carrier facilities operating in such areas and the provision of adequate, nondiscriminatory and uniform service therein; and

Whereas said Joint Commission has actively participated in the mass transit study authorized by the Congress (Public Law 24 and Public Law 573, Eighty-fourth Congress), and in furtherance thereof said Joint Commission has negotiated the Washington metropolitan area transit regulation compact, set forth in full below, providing for the establishment of a single organization as the common agency of the signatories to regulate transit and alleviate traffic congestion, which compact has been enacted by Virginia (ch. 627, 1958 Act of Assembly) and in substantially the same language by Maryland (ch. 613, Acts of General Assembly 1959); and

Whereas said compact adequately protects the national interest in mass transit service in the metropolitan area of the Nation's Capital and properly accommodates the National and State interests in and obligations toward mass transit in the metropolitan area: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of Congress is hereby given to the States of Virginia and Maryland and to the District of Columbia to enter into a compact, substantially as follows, for the regulation and improvement of mass transit

in the Washington metropolitan area, which compact, known as the Washington metropolitan area transit regulation compact, has been negotiated by representatives of the States and the District of Columbia and has been adopted by the State of Virginia (ch. 627, 1958 Acts of Assembly), and in substance by the State of Maryland:

"The States of Maryland and Virginia and the District of Columbia, hereinafter referred to as signatories, do hereby covenant and agree as follows:

"TITLE I

"General Compact Provisions

"ARTICLE I

"There is hereby created the Washington Metropolitan Area Transit District, hereinafter referred to as Metropolitan District, which shall embrace the District of Columbia, the cities of Alexandria and Falls Church, the counties of Arlington and Fairfax, and political subdivisions of the State of Virginia located within those counties, and the counties of Montgomery and Prince Georges, in the State of Maryland and political subdivisions of the State of Maryland located within said counties.

"ARTICLE II

"The signatories hereby create the 'Washington Metropolitan Area Transit Commission', hereinafter called the Commission, which shall be an instrumentality of the Dis-

trict of Columbia, the Commonwealth of Virginia and the State of Maryland, and shall have the powers and duties set forth in this compact and such additional powers and duties as may be conferred upon it by subsequent action of the signatories. The Commission shall have jurisdiction coextensive with the Metropolitan District for the regulation and improvement of transit and the alleviation of traffic congestion within the Metropolitan District on a coordinated basis, without regard to political boundaries within the Metropolitan District, as set forth herein.

"ARTICLE III

"1. The Commission shall be composed of three members, one member each to be appointed by the Governors of Virginia and Maryland and by the Board of Commissioners of the District of Columbia, from that agency of each signatory having jurisdiction over the regulation of mass transit within each such jurisdiction. The member so appointed shall serve for a term coincident with the term of that member on such agency of the signatory and any Commissioner may be removed or suspended from office as provided by the law of the signatory from which he shall be appointed. Vacancies shall be filled for an unexpired term in the same manner as an original appointment.

"2. No person in the employment of or holding any official relation to any person or company subject to the

jurisdiction of the Commission or having any interest of any nature in any such person or company or affiliate or associate thereof, shall be eligible to hold the office of Commissioner or to serve as an employee of the Commission or to have any power or duty or to receive any compensation in relation thereto.

"3. The Commission shall select a chairman from its membership annually. Such chairman is vested with the responsibility for the discharge of the Commission's work and to that end he is empowered with all usual powers to discharge his duties.

"4. Each signatory hereto may pay the Commissioner therefrom such salary or expenses, if any, as it deems appropriate.

"5. The Commission may employ such engineering, technical, legal, clerical, and other personnel on a regular, part-time, or consulting basis as in its judgment may be necessary for the discharge of its functions. The Commission shall not be bound by any statute or regulation of any signatory in the employment or discharge of any officer or employee of the Commission, except as such may be contained in this compact.

"6. The Commission shall establish its office for the conduct of its affairs at a location to be determined by the Commission within the Metropolitan District and shall pub-

lish rules and regulations governing the conduct of its operations.

"ARTICLE IV

"1. The expenses of the Commission shall be borne by the signatories in the manner hereinafter set forth. The Commission shall submit to the Governor of Virginia, the Governor of Maryland and the Board of Commissioners of the District of Columbia, at such time or times as shall be requested, a budget of its requirements for such period as may be required by the laws of the signatories for presentation to the legislature thereof. The expenses of the Commission shall be allocated among the signatories in the proportion that the population of each signatory within the Metropolitan District bears to the total population of the Metropolitan District. The allocation shall be made by the Commission and approved by the Governors of the two states and the Board of Commissioners of the District of Columbia, and shall be based on the latest available population statistics of the Bureau of the Census; provided, however, that if current population data are not available, the Commission may, upon the request of any signatory, employ estimates of population prepared in a manner approved by the Commission and by the signatory making such request.

"2. The signatories agree to appropriate for the expenses of the Commission their proper proportion of the budget

determined in the manner set forth herein and to pay such appropriation to the Commission. There shall not be included in the budget of the Commission or in the appropriations therefor any sums for the payment of salaries or expenses of the Commissioners or members of the Traffic and Highway Board created by Article V of this Title I and payments to such persons, if any, shall be within the discretion of each signatory. The provisions of section 2-27 of the Code of Virginia shall not apply to any official or employee of the Commonwealth of Virginia acting or performing services under this Act.

"3. The expenses allocable to a signatory shall be reduced in an amount to be determined by the Commission if a signatory, upon request of the Commission, makes available personnel, services or material to the Commission which the Commission would otherwise have to employ or purchase. If such services in kind are rendered, the Commission shall return to such signatory an amount equivalent to the savings to the Commission represented by the contribution in kind.

"4. The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by such representatives of the respective signatories as may be duly constituted for that purpose.

"ARTICLE V

"1. There is hereby created in addition to the Commission a Traffic and Highway Board, hereinafter referred to as Board. This Board shall be composed of the Chairman of the Commission created by article II, who shall be chairman of this Board, and the heads of the traffic and highway departments of each of the signatories and of the counties and cities encompassed within the Metropolitan District, a representative of the National Capital Planning Commission, a representative of the National Capital Regional Planning Council, and a representative of each local and regional planning commission within the District. The representatives of the various planning commissions shall be designated by each such commission. The official in charge of the traffic and highway department of each of the signatories may appoint a member of his staff to serve in his stead with full voting powers.

"2. The Board shall make recommendations to the Commission with respect to traffic engineering, including the selection and use of streets for transit routing, the requirements for transit service throughout the Metropolitan District, and related matters. The Board shall also consider problems

referred to it by the Commission and shall continuously study means and methods of shortening transit travel time, formulate plans with respect thereto, and keep the Compact Commission fully advised of its plans and conclusions.

"3. The Board shall serve the Commission solely in an advisory capacity. The Commission shall not direct or compel the Board or its members to take any particular action with respect to effectuating changes in traffic engineering and related matters, but the members of the Board in their capacity as officials of local government agencies shall use their best efforts to effectuate the recommendations and objectives of the Commission.

"4. The members of the Board shall serve with or without additional compensation, as determined by their respective signatories.

"ARTICLE VI

"No action by the Commission shall be of effect unless a majority of the members concur therein; provided, that any order entered by the Commission pursuant to the provisions of title II hereof, relating to or which affect operations or matters solely intrastate or solely within the District

of Columbia, shall not be effective unless the Commissioner from the signatory affected concurs therein. Two members of the Commission shall constitute a quorum.

"ARTICLE VII

"Nothing herein shall be construed to amend, alter, or in any wise affect the power of the signatories and the political subdivisions thereof to levy and collect taxes on the property or income of any person or company subject to this Act or upon any material, equipment or supplies purchased by such person or companies or to levy, assess and collect franchise or other similar taxes, or fees for the licensing of vehicles and the operation thereof.

"ARTICLE VIII

"This compact shall be adopted by the signatories in the manner provided by law therefor. This compact shall become effective ninety (90) days after its adoption by the signatories and consent thereto by the Congress of the United States, including the enactment by the Congress of such legislation, if any, as it may deem necessary to grant this Commission jurisdiction over transportation in the District of Columbia and between the signatories and over the persons engaged therein, to suspend the applicability of the Interstate Commerce Act, the laws of the District of Columbia, and any other laws of the United States, to the persons,

companies and activities which are subject to this Act, to the extent that such laws are inconsistent with, or in duplication of, the jurisdiction of the Commission or any provision of this Act, or any rule, regulation or order lawfully prescribed or issued under this Act, and to make effective the enforcement and review provisions of this Act.

"ARTICLE IX

"1. This compact may be amended from time to time without the prior consent or approval of the Congress and any such amendment shall be effective unless, within one year thereof, the Congress disapproves such an amendment. No amendment shall be effective unless adopted by each of the signatories hereto.

"2. Any signatory may withdraw from the compact upon one year's written notice to that effect to the other signatories. In the event of a withdrawal of one of the signatories from the compact, the compact shall be terminated.

"3. Upon the termination of this compact, the jurisdiction over the matters and persons covered by this Act shall revert to the signatories and the Federal Government, as their interests may appear, and the applicable laws of the signatories and the Federal Government shall be reactivated without further legislation.

"ARTICLE X

"Each of the signatories pledges to each of the other signatory parties faithful cooperation in the solution and control of transit and traffic problems within the Metropolitan District and, in order to effect such purposes, agrees to enact any necessary legislation to achieve the objectives of the compact to the mutual benefit of the citizens living within said Metropolitan District and for the advancement of the interests of the signatories hereto.

"ARTICLE XI

"1. If any part or provision of this compact or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact or the application thereof to other persons or circumstances and the signatories hereby declare that they would have entered into this compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

"2. In accordance with the ordinary rules for construction of interstate compacts, this compact shall be liberally construed to eliminate the evils described therein and to effectuate the purposes thereof.

"TITLE II

"COMPACT REGULATORY PROVISIONS

"ARTICLE XII

"Transportation Covered

"1. (a) This Act shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District and to the persons engaged in rendering or performing such transportation service, except—

"(1) transportation by water;

"(2) transportation by the Federal Government, the signatories hereto, or any political subdivision thereof;

"(3) transportation by motor vehicles employed solely in transporting school children and teachers to or from public or private schools;

"(4) transportation performed in the course of an operation over a regular route, the major portion of which is outside the Metropolitan District except where a major portion of the passenger traffic begins and ends within the Metropolitan District;

"(5) transportation performed by a common carrier by railroad subject to part I of the Interstate Commerce Act, as amended.

"(b) No transportation or person, otherwise subject to this Act, shall be exempt by reason of the fact that any part

(not a major part as conditionally exempted by paragraph (a) (4) of this section) of the route between points in the Metropolitan District lies outside of the Metropolitan District; provided, however, That the provisions of this title II shall not apply to transportation as specified in this section solely within the Commonwealth of Virginia and to the activities of persons engaged in such transportation, nor shall any provision of this title II be construed to infringe the exercise of any powers or the discharge of any duties conferred or imposed upon the State Corporation Commission of the Commonwealth of Virginia by the Virginia constitution.

"(c) Notwithstanding the provisions of paragraph (a) of this section, this Act shall apply to taxicabs and other vehicles having a seating capacity of eight passengers or less in addition to the driver thereof with respect only to (i) the rates or charges for transportation from one signatory to another within the confines of the Metropolitan District, and (ii) requirements for minimum insurance coverage.

"Definitions

"2. As used in this Act—

"(a) The term 'carrier' means any person who engages in the transportation of passengers for hire by motor vehicle, street railroad, or other form or means of conveyance.

"(b) The term 'motor vehicle" means any automobile,

bus, or other vehicle propelled or drawn by mechanical or electrical power on the public streets or highways of the Metropolitan District and used for the transportation of passengers.

"(c) The term 'street railways' means any streetcar, bus, or other similar vehicle propelled or drawn by electrical or mechanical power on rails and used for transportation of passengers.

"(d) The term 'taxicab' means any motor vehicle for hire (other than a vehicle operated, with the approval of the Commission, between fixed termini on regular schedules) designed to carry eight persons or less, not including the driver, used for the purpose of accepting or soliciting passengers for hire in transportation subject to this Act, along the public streets and highways, as the passengers may direct.

"(e) The term 'person' means any individual, firm, copartnership, corporation, company, association or joint stock association; and includes any trustee, receiver, assignee, or personal representative thereof.

"General Duties of Carriers

"3. It shall be the duty of every carrier to furnish transportation subject to this Act as authorized by its certificate and to establish reasonable through routes with other carriers; to provide safe and adequate service, equipment, and

facilities in connection with such transportation; to establish, observe, and enforce just and reasonable individual and joint fares, and just and reasonable regulations and practices relating thereto; and, in case of joint fares, to establish just, reasonable, and equitable divisions thereof as between the carriers participating therein which shall not unduly prefer or prejudice any of such carriers.

"Certificates of Public Convenience and Necessity; Routes and Services

"4. (a) No person shall engage in transportation subject to this Act unless there is in force a certificate of public convenience and necessity issued by the Commission authorizing such person to engage in such transportation; provided, however, that if any person was bona fide engaged in transportation subject to this Act on the effective date of this Act, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission within 90 days after the effective date of this Act. Pending the determination of any such application, the continuance of such operation shall be lawful.

"(b) When an application is made under this section for a certificate except with respect to a service being rendered upon the effective date of this Act, the Commission

shall issue a certificate to any qualified applicant therefor, authorizing the whole or any part of the transportation covered by the application, if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied. The Commission shall act upon applications under this subsection as speedily as possible. The Commission shall have the power to attach to the issuance of a certificate and to the exercise of the rights granted thereunder such reasonable terms and conditions as the public convenience and necessity may require; provided, however, That no terms, conditions, or limitations shall restrict the right of the carrier to add to his or its equipment and facilities over the routes, between the termini, or within the territory specified in the certificate, as the development of the business and the demands of the public shall require.

"(c) Application for a certificate under this section shall be made in writing to the Commission and shall be so verified, shall be in such form, and shall contain such information, as the Commission by regulations shall require. The

Commission shall prescribe such reasonable requirements as to notices, publication, proof of service, and information as in its judgment may be necessary.

"(d) (1) Any certificate issued by the Commission shall specify the service to be rendered and the routes over which, the fixed termini, if any, between which, and the intermediate and off-route points, if any, at which, and in case of operations not over specified routes or between fixed termini, the territory within which, the carrier is authorized to operate.

"(2) A certificate for the transportation of passengers may include authority to transport in the same vehicle with the passengers, newspapers, baggage of passengers, express, or mail, or to transport baggage of passengers in a separate vehicle.

"(3) To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service. Such temporary authority unless suspended or revoked for good cause, shall be valid for such time as the Commission shall specify, but for not more than

an aggregate of 180 days and create no presumption that corresponding permanent authority will be granted thereafter.

"(e) The Commission may, if it finds that the public convenience and necessity so require, require any person subject to this Act to extend any existing service or provide any additional service over additional routes within the Metropolitan District; provided, however, that no certificate shall be issued to operate over the routes of any holder of a certificate until it shall be proved to the satisfaction of the Commission, after hearing, upon reasonable notice, that the service rendered by such certificate holder, over such route, is inadequate to the requirements of the public necessity and convenience; and provided, further, if the Commission shall be of opinion that the service rendered by such certificate holder over such route is in any respect inadequate to the requirements of the public necessity and convenience, such certificate holder shall be given reasonable time and opportunity to remedy such inadequacy before any certificate shall be granted to operate over such route; and further provided that no person subject to this Act may be required to extend any existing service or provide any additional service over additional routes within the Metro-

politan District unless the carrier is currently earning a reasonable return on its operation as a whole in performing transportation subject to this Act.

"(f) The Commission may refer to the Traffic and Highway Board created under Title I hereof any service proposed under an application for a certificate. The Board shall as speedily as possible give the Commission its recommendations with respect to the proposed service, but such recommendations shall be advisory only.

"(g) Certificates shall be effective from date specified therein and shall remain in effect until suspended or terminated as herein provided. Any such certificate, may, upon application of the holder thereof, in the discretion of the Commission, be amended or revoked, in whole or in part, or may, upon complaint, or on the Commission's own initiative, after notice and hearing, be suspended, changed, or revoked, in whole or in part, for wilful failure to comply with any lawful order, rule, or regulation of the Commission, or with any term, condition, or limitation of such certificate; provided, however, that no certificate shall be revoked (except upon application of the holder) unless the holder thereof wilfully fails to comply, within a reasonable time, not less than 30 days, to be fixed by the Commission, with a lawful order of the Commission commanding obedience to the rules or regulations or orders of the Commission, or to the terms, condi-

tions, or limitations of such certificate found by the Commission to have been violated by such holder. No certificate shall be issued to an applicant proposing to operate over the routes of any holder of a certificate unless and until it shall be proved to the satisfaction of the Commission, after hearing upon reasonable notice, that the service rendered by such certificate holder, over such route, is inadequate to the requirements of the public convenience and necessity; and provided, further, if the Commission shall be of the opinion that the service rendered by such certificate holder over such route is in any respect inadequate to the requirements of the public convenience and necessity, such certificate holder shall be given reasonable time and opportunity to remedy such inadequacy before any certificate shall be granted to an applicant proposing to operate over such route.

"(h) No certificate under this section may be transferred unless such transfer is approved by the Commission as being consistent with the public interest.

"(i) No carrier shall abandon any route specified in a certificate issued to such carrier under this section, unless such carrier is authorized to do so by an order issued by the Commission. The Commission shall issue such order, if upon application by such carrier, and after notice and opportunity for hearing, it finds that the abandonment of such route is consistent with the public interest. The Commission, by

regulations or otherwise, may authorize such temporary suspensions of routes as may be consistent with the public interest. The fact that a carrier is operating a route or furnishing a service at a loss shall not, of itself, determine the question of whether abandonment of the route or service over the route is consistent with the public interest as long as the carrier earns a reasonable return.

"Schedule of Fares, Regulations, and Practices

"5. (a) Each carrier shall file with the Commission, and print, and keep open to public inspection, tariffs showing (1) all fares it charges for transportation subject to this Act, including any joint fares established for through routes over which it performs transportation subject to this Act in conjunction with another carrier, and (2) to the extent required by regulations of the Commission, the regulations and practices of such carrier affecting such fares. Such tariffs shall be filed, posted, and published in such form and manner, and shall contain such information, as the Commission by regulation shall prescribe. The Commission may reject any tariff so filed which is not consistent with this section and such regulations. Any tariff so rejected shall be void.

"(b) Each carrier which, immediately prior to the effective date of this section, was engaged in transportation specified in section 1 (a) of this Title II, shall file a tariff

in compliance with paragraph (a) of this Section 5 within ninety (90) days after such date. The fares shown in such tariff shall be the fares which such carrier was authorized to charge, immediately prior to such date, under the law under which it was then regulated, and the regulations and practices affecting such fares which shall be shown in such tariff shall be such of the regulations and practices, then in effect under such law, as the Commission shall by regulations require. Such tariff shall become effective upon filing. Pending the filing of such tariff, the fares which such carrier was authorized to charge immediately prior to the effective date of this Act under the law under which it was then regulated, and the regulations and practices relating to such fares, shall be the lawful fares and practices and regulations.

"(c) Every carrier shall keep currently on file with the Commission, if the Commission so requires, the established divisions of all joint fares for transportation subject to this Act in which such carrier participates.

"(d) No carrier shall charge, for any transportation subject to this Act, any fare other than the applicable fare specified in a tariff filed by it under this section and in effect at the time. During the period before a tariff filed by it under this section has become effective, no carrier referred to in subsection (b) shall charge, for any transportation subject to this Act, any fare other than the fare which it

was authorized to charge for such transportation immediately prior to the effective date of this section, under the law under which it was then regulated.

"(e) Any carrier which desires to change any fare specified in a tariff filed by it under this section, or any regulation or practice specified in any such tariff affecting such a fare, shall file a tariff in compliance with this section, showing the change proposed to be made and shall give notice to the public of the proposed change by posting and filing such tariff in such manner as the Commission may by rule, regulation or order provide. Each tariff filed under this subsection shall state a date on which the new tariff shall take effect, and such date shall be at least thirty (30) days after the date on which the tariff is filed, unless the Commission by order authorizes its taking effect on an earlier date.

"Power to Prescribe Fares, Regulations, and Practices

"6. (a) (1) The Commission, upon complaint or upon its own initiative, may suspend any fare, regulation, or practice shown in a tariff filed with it under Section 5 (except a tariff to which Section 5(b) applies), at any time before such fare, regulation, or practice would otherwise take effect. Such suspension shall be accomplished by filing with the tariff, and delivered to the carrier or carriers affected thereby, a notification in writing of such suspension. In deter-

mining whether any proposed change shall be suspended, the Commission shall give consideration to, among other things, the financial condition of the carrier, its revenue requirements, and whether the carrier is being operated economically and efficiently. The period of suspension shall terminate ninety (90) days after the date on which the fare, regulation, or practice involved would otherwise go into effect, unless the Commission extends such period as provided in paragraph (2).

"(2) If, after hearing held upon reasonable notice, the Commission finds that any fare, regulation or practice relating thereto, so suspended is unjust, unreasonable, or unduly preferential or unduly discriminatory either between riders or sections of the Metropolitan District, it shall issue an order prescribing the lawful fare, regulation, or practice to be in effect. The fare, regulation, or practice so prescribed shall take effect on the date specified in such order. If such an order has not been issued within the ninety (90) day suspension period provided for in paragraph (1), the Commission may from time to time extend such period, but in any event the suspension period shall terminate, no later than one hundred and twenty (120) days after the date the fare, regulation or practice involved was suspended. If no

such order is issued within the suspension period (including any extension thereof), the fare, regulation or practice involved shall take effect at the termination of such period.

"(3) In the exercise of its power to prescribe just and reasonable fares and regulations and practices relating thereto, the Commission shall give due consideration, among other factors, to the inherent advantages of transportation by such carriers; to the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and to the need of revenue sufficient to enable such carriers, under honest, economical, and efficient management, to provide such service.

"(4) It is hereby declared as a matter of legislative policy that in order to assure the Metropolitan District of an adequate transportation system operating as private enterprises the carriers therein, in accordance with standards and rules prescribed by the Commission, should be afforded the opportunity of earning such return as to make the carriers attractive investments to private investors. As an incident thereto, the opportunity to earn a return of at least $6\frac{1}{2}$ per centum net after all taxes properly chargeable to transportation operations, including but not limited to income taxes,

on gross operating revenues, shall not be considered unreasonable.

"(b) Whenever, upon complaint, or upon its own initiative, and after hearing held upon reasonable notice, the Commission finds that any individual or joint fare in effect for transportation subject to this Act, or any regulation or practice affecting such fare, is unjust, unreasonable or unduly preferential or unduly discriminatory, the Commission shall issue an order prescribing the lawful fare, regulation, or practice thereafter to be in effect.

"Through Routes, Joint Fares

"7. (a) In order to encourage and provide adequate transit service on a Metropolitan District-wide basis, any carrier may establish through routes and joint fares with any other carrier subject to this Act or the jurisdiction of the Interstate Commerce Commission, the State Corporation Commission of the Commonwealth of Virginia, or the Public Service Commission of the State of Maryland.

"(b) Whenever required by the public convenience and necessity, the Commission, upon complaint or upon its own initiative, and after hearing held upon reasonable notice, may establish through routes and joint fares for transportation subject to this Act, and the regulations or practices affecting such fares, and the terms and conditions under which such through routes shall be operated.

"(c) Whenever, upon complaint or upon its own initiative, and after hearing upon reasonable notice, the Commission is of the opinion that the divisions of any joint fare for transportation subject to this Act are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the participating carriers, the Commission shall prescribe the just, reasonable and equitable divisions thereof to be received by the participating carriers. The Commission may require the adjustment of divisions between such carriers from the date of filing the complaint or entry of the order of investigation, or such other date subsequent thereto as the Commission finds to be just, reasonable and equitable.

"Taxicab Fares

"8. The Commission shall have the duty and the power to prescribe reasonable rates for transportation by taxicab only between a point in the jurisdiction of one signatory party and a point in the jurisdiction of another signatory party provided both points are within the Metropolitan District. The fare or charge for such transportation may be calculated on a mileage basis, a zone basis, or on any other basis approved by the Commission; provided, however, that the Commission shall not require the installation of a taximeter in any taxicab when such a device is not permitted or required by the jurisdiction licensing and otherwise regulating the operation and service of such taxicab.

"Security for the Protection of the Public

"9. (a) No certificate of public convenience and necessity shall be issued under Section 4, and no certificate issued under such section shall remain in force, unless the person applying for or holding such certificate complies with such reasonable regulations as the Commission shall prescribe governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, in such reasonable amount as the Commission may require, conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, any final judgment recovered against such motor carrier for bodily injuries to or the death of any person, or for loss or damage to property of others, resulting from the operation, maintenance, or use of motor vehicles, street cars, or other equipment or facilities utilized in furnishing transportation subject to this Act.

"(b) No taxicab shall be permitted to transport passengers between a point in the jurisdiction of a signatory to a point in the jurisdiction of another signatory within the Metropolitan District unless the taxicab and the person or persons licensed by any signatory to own and/or operate such taxicab shall comply with such reasonable regulations

as the Commission shall prescribe governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in such reasonable amounts as the Commission may require, conditioned to pay within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer or other securities or agreements, any final judgment recovered against such taxicab for bodily injuries to or the death of any person, or for loss or damage to property of others, resulting from the operation, maintenance or use of taxicabs utilized in furnishing transportation subject to this Act.

"Accounts, Records and Reports; Depreciation

"10. (a) The Commission may require annual or other periodic reports, and special reports, from any carrier; prescribe the manner and form in which such reports shall be made; and require from any such carrier specific answers to all questions upon which the Commission deems information to be necessary. Such reports shall be under oath whenever the Commission so requires.

"(b) Each carrier subject to the Commission shall keep such accounts, records, and memoranda with respect to activities in which it is engaged (whether or not such activities constitute transportation subject to this Act), including accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of

money, as the Commission by regulation prescribes. The Commission shall by regulation prescribe the form of such accounts, records, and memoranda, and the length of time that such accounts, records, and memoranda shall be preserved.

"(c) The Commission shall prescribe regulations requiring carriers to maintain appropriate accounting reserves against depreciation. The Commission may prescribe the classes of property for which depreciation charges may properly be included under operating expenses and the rate of depreciation which shall be charged with respect to each of such classes of property, and may classify the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and rates so prescribed. Carriers shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a rate of depreciation other than that prescribed therefor by the Commission, and no carrier shall include under operating expenses any depreciation charge other than as prescribed by the Commission.

"(d) At all times the Commission and each of its members shall have access to all lands, buildings, and equipment of all carriers, and to all accounts, records, and memoranda kept by such carriers. When authorized by the Commission

to do so, any employee of the Commission may inspect any such land, buildings, equipment, accounts, records, and memoranda. This section shall apply, to the extent found by the Commission to be reasonably necessary for the administration of this Act, to any person controlling, controlled by or under common control with, any carrier.

"(e) Any carrier which operates both inside and outside of the metropolitan area and which has its principal office outside of the metropolitan area, may keep all of its accounts, records, and memoranda at such principal office but shall produce such accounts, records, and memoranda before the Commission whenever the Commission shall so direct.

"(f) Nothing in this section shall relieve any carrier from the obligations imposed upon it with respect to the matters covered in this section by any State or Federal regulatory commission in connection with transportation service rendered outside the metropolitan district.

"Issuance of Securities

"11. (a) As used in this section the term 'securities' means stocks; stock certificates; or bonds, mortgages, other evidences of indebtedness payable in more than one year from the date of issuance, except obligations covered by conditional sales contracts, or any guaranty of or assumption of liability on any of the foregoing.

"(b) Subject to subsection (g) of this section, no car-

rier subject to this Act shall issue any securities, or directly or indirectly receive any money, property, or services in payment of securities issued or to be issued by it, until the Commission, by order, shall have approved the issuance of such securities.

"(c) Upon application made to it by any such carrier for approval of the issuance of securities, the Commission, after affording reasonable opportunity for hearing to interested parties, shall by order approve or disapprove the issuance of such securities. The Commission shall give its approval if it finds that the proposed issuance of securities is not contrary to the public interest.

"(d) Any such order of the Commission approving the issuance of securities shall specify the purposes for which the proceeds from the sale or other disposition thereof are to be used and the terms and conditions under which such securities shall be issued and disposed of. It shall be unlawful for the applicant to apply such proceeds, or to issue or dispose of such securities, in any manner other than as specified by the Commission in its order.

"(e) Any securities issued in violation of this section shall be void.

"(f) Nothing in this Act shall impair any authority of the Interstate Commerce Commission, the Public Service Commission of Maryland, or the State Corporation Com-

mission of Virginia to regulate the issuance of securities by any carrier which does not operate exclusively in the Metropolitan District, or relieve any carrier from the obligations imposed by the Securities Act of 1933, as amended (Act of May 27, 1933, C. 38 Title I, 48 Stat. 74, as amended), or from the obligations imposed by any Blue Sky or similar laws of the signatories.

"(g) The Commission may by regulation, order or otherwise, to the extent deemed by it to be consistent with the public interest, exempt from the operation of this section any carrier which does not operate exclusively in such area and which, before issuing securities, must obtain the approval of the Interstate Commerce Commission, the Public Service Commission of Maryland, or the State Corporation Commission of Virginia.

"Consolidations, Mergers, and Acquisition of Control

"12. (a) It shall be unlawful, without approval of the Commission in accordance with this section—

"(1) for two or more carriers, any one of which operates in the Metropolitan District, to consolidate or merge their properties or franchises, or any part thereof, into one person for the ownership, management, or operation of properties theretofore under separate ownership, management, or operation; or

"(2) for any carrier which operates in the Metro-

politan District or any person controlling, controlled by, or under common control with, such a carrier (i) to purchase, lease, or contract to operate the properties, or any substantial part thereof, of any carrier which operates in such Metropolitan District, or (ii) to acquire control, through ownership of its stock or otherwise, of any carrier which operates in such Metropolitan District.

"(b) Any person seeking approval of any transaction to which subsection (a) applies shall make application to the Commission in accordance with such regulations as the Commission shall prescribe. If, after hearing held upon reasonable notice, the Commission finds that, subject to such terms, conditions, and modifications as it shall find to be necessary, the proposed transaction is consistent with the public interest, it shall enter an appropriate order approving and authorizing such transaction as so conditioned.

"(c) It shall be unlawful to continue to maintain or exercise any ownership, management, operation or control accomplished or effectuated in violation of subsection (a) of this section.

"(d) Pending the determination of an application filed with the Commission for approval of a consolidation or merger of the properties of two or more motor carriers, or of a purchase, lease, or contract to operate the properties of one or more motor carriers, the Commission may, in its

discretion, and without hearings or other proceedings, grant temporary approval, for a period not exceeding 180 days of the operation of the motor carrier properties sought to be acquired by the person proposing in such pending application to acquire such properties, if it shall appear that failure to grant such temporary approval may result in destruction of or injury to such motor carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

"Complaints and Investigations by the Commission

"13. (a) Any person may file with the Commission a complaint in writing with respect to anything done or omitted to be done by any person in contravention of any provision of this Act, or of any requirement established pursuant thereto. If the person complained against shall not satisfy the complaint and there shall appear to be any reasonable grounds for an investigation, the Commission shall investigate the matters complained of. Whenever the Commission is of the opinion that any complaint does not state facts which warrant action on its part, it may dismiss the complaint without hearing. At least ten (10) days before the date it sets a time and place for a hearing on a complaint,

the Commission shall notify the person complained of that the complaint has been made.

"(b) The Commission may investigate any facts, conditions, practices, or matters which it may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this Act or any rule, regulation, or order thereunder, or to aid in the enforcement of the provisions of this Act or in prescribing rules or regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation. The Commission shall have the same power to proceed with any investigation instituted on its own motion as though it had been appealed to by complaint.

"(c) If, after affording to interested persons reasonable opportunity for hearing, the Commission finds in any investigation instituted upon complaint or upon its own initiative, that any person has failed to comply with any provision of this Act or any requirement established pursuant thereto, the Commission shall issue an appropriate order to compel such person to comply therewith.

"(d) For the purpose of any investigation or any other proceeding under this Act, any member of the Commission, or any other officer designated by it, is empowered to ad-

minister oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which the Commission finds relevant or material to the inquiry.

"Hearings; Rules of Procedure

"14. Hearings under this Act may be held before the Commission, any member or members thereof, or any representative of the Commission designated by it, and appropriate records thereof shall be kept. All hearings, investigations, and proceedings under this Act shall be governed by rules of practice and procedure to be adopted by the Commission, and in the conduct thereof the technical rules of evidence need not be applied. No informality in any hearing, investigation, or proceeding or in the manner of taking testimony shall invalidate any order, decision, rule, or regulation issued under the authority of this Act.

"Administration Powers of Commission; Rules, Regulations and Orders

"15. The Commission shall have power to perform any and all acts, and to prescribe, issue, make, amend, and rescind such orders, rules, and regulations as it may find necessary or appropriate to carry out the provisions of this Act. Such rules and regulations may prescribe the form or forms of all statements, declarations, applications, and re-

ports to be filed with the Commission, the information which they shall contain, and the time within which they shall be filed. Unless a different date is specified therein, rules and regulations of the Commission shall be effective thirty (30) days after publication in the manner which the Commission shall prescribe. Orders of the Commission shall be effective on the date and in the manner which the Commission shall prescribe. For the purposes of its rules and regulations, the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters. All rules and regulations of the Commission shall be filed with its secretary and shall be kept open in convenient form for public inspection and examination during reasonable business hours.

"Reconsideration of Orders

"16. Any person affected by any final order or decision of the Commission may, within thirty days after the publication thereof, file with the Commission an application in writing requesting a reconsideration of the matters involved, and stating specifically the errors claimed as grounds for such reconsideration. No person shall in any court urge or rely on any ground not so set forth in such application. The Commission, within thirty (30) days after the filing of such application, shall either grant or deny it. If such application is granted, the Commission, after giving notice

thereof to all interested persons, shall, either with or without hearing, rescind, modify, or affirm its order or decision. The filing of such an application shall act as a stay upon the execution of the order or decision of the Commission until the final action of the Commission upon the application, except that upon written consent of the applicant such order or decision shall not be stayed unless otherwise ordered by the Commission. No appeal shall lie from any order of the Commission until an application for reconsideration has been made and determined.

"Judicial Review

"17. (a) Any party to a proceeding under this Act aggrieved by an order issued by the Commission in such proceeding may obtain a review of such order in the court of appeals of the United States for the fourth circuit, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty (60) days after the order of the Commission upon the application for rehearing, a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall forthwith be served upon any member of the Commission and thereupon the Commission shall certify and file with the court a transcript of the record upon which the order complained of was entered. Upon the filing of such

transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order. The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceedings before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file with the court such modified or new findings, which if supported by substantial evidence, shall be conclusive, and its recommendations, if any, for the modification or setting aside of the original order. The court may affirm or set aside any such order of the Commission, and state the reasons therefor, and such judgment shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U.S.C. Title 28, sections 346 and 347).

"(b) The commencement of proceedings under subsec-

tion (a) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

"(c) The Commission shall not, nor shall any of its members, officers, agents, or employees, be taxed with any costs, nor shall they or any of them be required to give any supersedeas bond or security for cost or damages on any appeal whatsoever taken under this compact. Said Commission, or any of its members, officers, agents, or employees, shall not be liable to suit or action or for any judgment or decree for any damages, loss, or injury claimed by any person resulting from action taken under this compact, nor required in any case arising under this compact to make any deposit for costs or pay for any service to the clerks of any court or to the marshal of the United States.

"Enforcement of Act; Penalty for Violations

"18. (a) Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this Act, or of any rule, regulation, or order thereunder, it may, in its discretion, bring an action in the United States District Court for any district in which such person resides or carries on business or in which the violation occurred, to enjoin such acts or practices and to enforce

compliance with this Act or any rule, regulation or order thereunder, and upon a proper showing a permanent or temporary injunction or decree or restraining order shall be granted without bond.

"(b) Upon application of the Commission, the United States District Court for any district in which such person resides or carries on business, or in which the violation occurred, shall have jurisdiction to issue appropriate order or orders commanding any person to comply with the provisions of this Act or any rule, regulation, or order of the Commission thereunder.

"(c) The Commission may employ such attorneys as it finds necessary for proper legal aid and service of the Commission or its members in the conduct of their work, or for proper representation of the public interest in investigations made by it, or cases or proceedings pending before it, whether at the Commission's own instance or upon complaint, or to appear for or represent the Commission in any case in court; and the expenses of such employment shall be paid out of any funds of the Commission.

"(d) Any person knowingly and willfully violating any provision of this statute, or any rule, regulation, requirement, or order thereto, or any term or condition of any certificate shall, upon conviction thereof, be fined not more

than $100 for the first offense and not more than $500 for any subsequent offense. Each day of such violation shall constitute a separate offense.

"Expenses of Investigations and Other Proceedings

"19. (a) All reasonable expenses of any investigation, or other proceeding of any nature, conducted by the Commission, of or concerning any carrier, and all expenses of any litigation, including appeals, arising from any such investigation or other proceeding, shall be borne by such carrier. Such expenses, with interest at not to exceed 6 per centum (6%) per annum may be charged to operating expenses and amortized over such period as the Commission shall deem proper and be allowed for in the rates to be charged by such carrier. When any such investigation or other proceeding has been initiated it shall be the duty of the carrier to pay to the Commission, from time to time, such reasonable sum or sums as, in the opinion of the Commission, are necessary to cover the expenses which by this section are required to be borne by such carrier. The money so paid by the carrier shall be deposited in the name and to the credit of the Commission, in any bank or other depository located in the Metropolitan District designated by the Commission, and may be disbursed by the Commission for the purpose of defraying expenses of the investigation, pro-

ceeding, or litigation in question. Any unexpended balance of the sum or sums so paid by such carrier remaining after the payment of such expenses shall be returned to such carrier.

"(b) The amount expended by the Commission in any calendar year in all investigations or other proceedings of or concerning any one carrier shall not exceed—

"(1) one-half of one per centum of the gross operating revenues of such carrier, derived from transportation subject to this Act, for its last preceding fiscal year; or

"(2) in the case of a carrier which was not engaged in such transportation during the whole of its last preceding fiscal year, one-half of 1 per centum of the average gross operating revenues, derived from transportation subject to this Act, of all other carriers (exclusive of carriers to which this subparagraph (2) applies) for their last preceding fiscal year.

"(c) For the purpose of subsections (a) and (b) of this section—

"The provisions of this section shall apply to any person engaged in transportation subject to the Act and any person who makes application under Section 4 for a certificate of public convenience and necessity.

"Applicability of Other Laws

"20. (a) Upon the date this Act becomes effective, the applicability of all laws of the signatories, relating to or affecting transportation subject to this Act and to persons engaged therein, and all rules, regulations and orders promulgated or issued thereunder, shall except to the extent in this Act specified, be suspended, except that—

"(1) The laws of the signatories relating to inspection of equipment and facilities, wages and hours of employees, insurance or similar security requirements, school fares, and free transportation for policemen and firemen shall remain in force and effect.

"(2) Upon the date this Act becomes effective, Certificates of Public Convenience and Necessity or Permits issued by the Interstate Commerce Commission to any carrier subject to the jurisdiction of this Commission shall be suspended only during the existence of this compact, provided such suspension shall not affect the authority of such certificate or permit-holder to transport special and chartered parties as now authorized by the Interstate Commerce Act and the rules and regulations promulgated thereunder by the Interstate Commerce Commission, notwithstanding any other provisions of this Act.

"(b) In the event any provision or provisions of this

Act exceed the limits imposed upon the legislature of any signatory by the Constitution of such signatory, the obligations, duties, powers or jurisdiction sought to be conferred by such provision or provisions upon the Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the signatory and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective. Such agency, however, in order to achieve the objective of this compact to effectuate the regulation of mass transit on a unified and coordinated basis throughout the Metropolitan District, shall refer to the Commission for its recommendations all matters arising under this Title so reserved to such signatory and all matters exempted from this Title pursuant to the proviso clause of Section 1 (b) of this Title. The recommendations of the Commission with respect to such matters shall be advisory only.

"Existing Rules, Regulations, Orders, and Decisions

"21. All rules, regulations, orders, decisions, or other action prescribed, issued, made, or taken by the Interstate Commerce Commission the Public Utilities Commission of the District of Columbia, the Public Service Commission of Maryland, or the State Corporation Commission of Virginia, and which are in force at the time this section takes effect,

with respect to transportation or persons subject to this Act, shall remain in effect, and be enforceable under this Act and in the manner specified by this Act, according to their terms, as though they had been prescribed, issued, made, or taken by the Commission pursuant to this Act, unless and until otherwise provided by such Commission in the exercise of its powers under this Act.

"Transfer of Records

"22. The Public Utilities Commission of the District of Columbia, the Interstate Commerce Commission, the State Corporation Commission of Virginia, and the Public Service Commission of Maryland shall transfer or make available to the Commission such of their records as pertain to matters which by this Act are placed under the jurisdiction of the latter Commission.

"Pending Actions or Proceedings

"23. (a) No suit, action, or other judicial proceeding commenced prior to the date this Act takes effect by or against the Public Utilities Commission of the District of Columbia, the Interstate Commerce Commission, the Public Service Commission of Maryland, or the State Corporation Commission of Virginia, or any officer of any such commission in his official capacity or in relation to his discharge of official duties, shall be affected by the enactment of this compact and same shall be prosecuted and determined in

accordance with the law applicable at the time such proceeding was commenced.

"(b) To the extent that the Commission determines such action to be necessary or appropriate in the exercise of the powers and duties vested in or imposed upon it by this Act, such Commission shall continue and carry to a conclusion any proceeding, hearing, or investigation which, at the time this compact takes effect, is pending before the Public Utilities Commission of the District of Columbia, the Interstate Commerce Commission, the Public Service Commission of Maryland, or the State Corporation Commission of Virginia. In the event the Commission assumes jurisdiction in any such case, it shall be governed by the provisions of this compact and not by the provisions of law applicable at the time the proceedings were instituted.

"Annual Report of the Commission

"24. The Commission shall make an annual report to the Governor of Virginia and the Governor of Maryland, and to the Board of Commissioners of the District of Columbia as soon as practicable after the 1st day of January of each year, which shall contain, in addition to a report of the work performed under this Act, such other information and recommendations concerning passenger transportation within the Metropolitan District, as the Commission deems advisable."

SEC. 2. The Commissioners of the District of Columbia are authorized and directed to enter into and execute on behalf of the United States for the District of Columbia a compact substantially as set forth above with the States of Virginia and Maryland and are further authorized and directed to carry out and effectuate the terms and provisions of said compact, and there are hereby authorized to be appropriated such funds as are necessary to carry out the obligations of the District of Columbia in accordance with the terms of the said compact: *Provided,* That the said Commissioners shall not adopt any amendment to the said compact for the District of Columbia under the provisions of section 1 of article IX of the compact unless the said amendment has had the consent or approval of the Congress.

SEC. 3. That, upon the effective date of the compact and so long thereafter as the compact remains effective, the applicability of the laws of the United States, and the rules, regulations, and orders promulgated thereunder, relating to or affecting transportation under the compact and to the persons engaged therein, including those provisions of section 6(e) of the District of Columbia Traffic Act, 1925, as amended by the Act approved February 27, 1931 (46 Stat. 1426; Sec. 40–603(e), D.C. Code, 1951 edition), relating to the powers of the Public Utilities Commission of the District of Columbia and the Joint Board created under such

section, is suspended, except as otherwise specified in the compact, to the extent that such laws, rules, regulations, and orders are inconsistent with or in duplication of the provisions of the compact: *Provided,* That upon the termination of the compact, the suspension of such laws, rules, regulations, and orders, if not theretofore repealed, shall terminate and such laws, rules, regulations, and orders shall thereupon again become applicable and legally effective without further legislative or administrative action: *Provided further,* That nothing in this Act or in the compact shall affect the normal and ordinary police powers of the signatories and of the political subdivisions thereof and of the Director of the National Park Service with respect to the regulation of vehicles, control of traffic and use of streets, highways, and other vehicular facilities: *Provided further,* That nothing in this Act or in the compact consented to and approved hereby shall impair or affect the rights, duties, and obligations created by the Act of July 24, 1956 (ch. 669, 70 Stat. 598), granting a franchise to D.C. Transit System, Inc.: *Provided further,* That the term "public interest" as used in section 12 (b) of article XII, title 11 of the Compact shall be deemed to include, among other things, the interest of the carrier employees affected: *And provided further,* That nothing herein shall be deemed to render inapplicable any laws of the United States providing benefits for the employees

of any carrier subject to this compact or relating to the wages, hours, and working conditions of employees of any carrier, or to collective bargaining between the carriers and said employees, or to the rights to self-organization, including, but not limited to, the Labor-Management Relations Act, 1947, as amended, and the Fair Labor Standards Act, as amended. Notwithstanding any provision of this section to the contrary, the jurisdiction of the Public Utilities Commission of the District of Columbia and of the Interstate Commerce Commission over all carriers and persons subject to the provisions of the Washington Metropolitan Area Transit Regulation Compact are hereby transferred, as and to the extent provided therein, to the Washington Metropolitan Area Transit Commission.

SEC. 4. The consent and approval of Congress set forth in the first section of this Act is given on the express condition that sections 4(d) (3) and 12(d) of article XII of such compact shall not be used to break a lawful strike by the employees of any carrier authorized to provide service pursuant to such compact.

SEC. 5. The consent of Congress is granted upon the condition that, within three years from the date of this enactment, section 1(a) (4) of article XII of the compact be amended as set forth below, and, in the event the compact is not so amended within such specified time, the suspension

of the applicability of the laws of the United States, and the rules, regulations or orders promulgated thereunder shall terminate with respect to the transportation specified below and any carrier whose only transportation over a regular route within the Metropolitan District is such transportation shall not be deemed a carrier subject to the compact:

"(4) transportation performed in the course of an operation over a regular route between a point in the Metropolitan District and a point outside the Metropolitan District, including transportation between points on such regular route within the Metropolitan District, if authorized by certificate of public convenience and necessity or permit issued by the Interstate Commerce Commission, as to interstate and foreign commerce, and any carrier whose only transportation within the Metropolitan District is within this exemption shall not be deemed to be a carrier subject to the compact."

SEC. 6. Jurisdiction is hereby conferred (1) upon the United States Court of Appeals for the Fourth Circuit and the United States Court of Appeals for the District of Columbia Circuit, respectively, to review orders of the Washington Metropolitan Area Transit Commission as provided by section 17, article XII, title II, of the Washington metropolitan area transit regulation compact, and (2) upon the United States district courts to enforce the provisions of said title II

as provided in section 18, article XII, title II, of said compact.

SEC. 7. (a) The right to alter, amend, or repeal this Act is hereby expressly reserved.

(b) The Washington Metropolitan Area Transit Commission shall submit to Congress copies of all periodic reports made by that Commission to the Governors, the Commissioners of the District of Columbia and/or the legislatures of the compacting States.

(c) The Congress or any committee thereof shall have the right to require the disclosure and furnishing of such information by the Washington Metropolitan Area Transit Commission as is deemed appropriate by the Congress or any of its committees. Further, Congress or any of its committees shall have access to all books, records and papers of the Washington Metropolitan Area Transit Commission as well as the right of inspection of any facility used, owned, leased, regulated or under the control of said Commission."

Passed the House of Representatives June 2, 1960.

Attest: RALPH R. ROBERTS,

Clerk.

86TH CONGRESS
2D SESSION

H. J. RES. 402

JOINT RESOLUTION

Granting the consent and approval of Congress for the States of Virginia and Maryland and the District of Columbia to enter into a compact related to the regulation of mass transit in the Washington, District of Columbia metropolitan area, and for other purposes.

JUNE 3, 1960

Read twice and referred to the Committee on the Judiciary

NOTED
RECEIVED
JUN 9 1960
THE COMMISSION OF FINE ARTS
WASHINGTON, D. C.

86TH CONGRESS
2D SESSION

S. 3648

IN THE SENATE OF THE UNITED STATES

JUNE 8, 1960

Mr. BIBLE (by request) introduced the following bill; which was read twice and referred to the Committee on the District of Columbia

A BILL

To authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the provisions of this Act the Commissioners of the District of Columbia are authorized on behalf of the United States to transfer to the District of Columbia Redevelopment Land Agency established by section 4 of the Act approved August 4, 1946 (60 Stat. 793), as amended (sec. 5–703, D.C. Code, 1951 edition), hereinafter referred to as "Agency", title in fee simple to part or all of certain

EXHIBIT 8

property in the said District over which the said Commissioners may exercise jurisdiction, as follows: The area bounded by the east line of Fourteenth Street south, the existing southerly (or westerly) building line of Maine Avenue Southwest, the northerly line of Fort Lesley J. McNair at P Street Southwest, and the bulkhead line established pursuant to the Rivers and Harbors Act of 1899 (30 Stat. 1151), as amended, together with any land area extending channelward from said bulkhead line.

SEC. 2. The said Commissioners shall, prior to transferring to the Agency title to any of the said property described in the preceding section, determine whether such property is necessary to the redevelopment of the Southwest section of the District of Columbia in accordance with an urban renewal plan approved by them, and, if they so find, they shall, acting on behalf of the United States, transfer and donate to the Agency title in fee simple to so much of said property as they determine is necessary to carry out such urban renewal plan.

SEC. 3. Subject to the provisions of section 5 of this Act, the Commissioners shall, at the time of transferring to the Agency title to any of the property described in the first section hereof, also transfer to the Agency their jurisdiction as provided by the first section of the Act approved March 3, 1899 (30 Stat. 1377, ch. 458; 9–101, D.C. Code,

1951 edition), over so much of the said property as may be so transferred.

SEC. 4. The Agency is hereby authorized, in accordance with the District of Columbia Redevelopment Act of 1945, to lease such real property as may be transferred to it under the authority of this Act, or otherwise to dispose of such property to the United States or any department or agency thereof, or to the District of Columbia. In the event that real property acquired by the agency from the United States pursuant to this Act is transferred to the District of Columbia or to any department or agency of the United States pursuant to this section, such transfer shall be without reimbursement or transfer of funds.

SEC. 5. Notwithstanding the preceding provisions of this Act, if any of the real property transferred to the Agency under the authority of this Act is not leased by the Agency in accordance with an urban renewal plan approved by the Commissioners, or otherwise disposed of, on or before the date the Housing and Home Finance Administrator makes the final Federal capital grant payment to the Agency for the project pursuant to title I of the Housing Act of 1949, as amended, then the title to so much of the said real property as is not so leased or otherwise disposed of by such date shall revert to the United States, subject to the exclusive control and jurisdiction of the Commissioners of the

District of Columbia, and subject to the provisions of the Act approved May 20, 1932 (47 Stat. 161; secs. 8–115 and 8–116, D.C. Code, 1951 edition).

SEC. 6. Nothing herein contained shall be construed as requiring the said Commissioners to transfer title to so much of the property described in the first section of this Act as the Commissioners may determine, in their discretion, is required for municipal purposes or is to continue to be owned by the United States under the jurisdiction of the Commissioners, for the benefit of the District of Columbia.

SEC. 7. No transfer or donation of any interest in real property under the authority of this Act shall constitute a local grant-in-aid in connection with any urban renewal project being undertaken with Federal assistance under title I of the Housing Act of 1949, as amended.

86TH CONGRESS
2D SESSION

S. 3648

A BILL

To authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District.

By Mr. BIBLE

JUNE 8, 1960

Read twice and referred to the Committee on the District of Columbia

NOTED
JUN 14 1960
RECEIVED
THE COMMISSION OF FINE ARTS
WASHINGTON, D. C.